

of Pennsylvania, of quantities of apples, a portion of which were contained in baskets and the remainder of which were contained in barrels, which in each case were misbranded. The portion of the article contained in the said barrels was labeled in part: "New York State Standard A Grade * * * Baldwin." The baskets containing the remainder of the article were unlabeled.

Misbranding of the article was alleged in the informations for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about November 22, 1922, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11113. Adulteration and misbranding of flavor of lemon and flavor of vanilla. U. S. v. Lexington Wholesale Drug Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 15837. I. S. Nos. 1504-t, 2828-t, 2831-t, 10794-t, 10795-t.)

On May 20, 1922, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lexington Wholesale Drug Co., a corporation, Lexington, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, on or about February 14 and 24, 1921, respectively, from the State of Kentucky into the State of Alabama, and on or about March 4, 1921, from the State of Kentucky into the State of Texas, of quantities of flavor of lemon and flavor of vanilla which were adulterated and misbranded. The articles were labeled in part: (Bottle) "Star Brand Flavor of Lemon" (or "Flavor of Vanilla") "* * * Put up by Lexington Wholesale Drug Co. Manufacturers of Drugs Lexington, Ky."

Analyses of samples of the flavor of lemon by the Bureau of Chemistry of this department showed that it was a dilute alcoholic solution containing only a trace of citral. Analyses of samples of the flavor of vanilla by said bureau showed that it was a solution of vanillin and coumarin, artificially colored, with not over 10 per cent of vanilla extract.

Adulteration of the flavor of lemon was alleged in the information for the reason that a mixture composed in part of dilute alcohol, which contained only a trace of oil of lemon, if any, had been substituted in whole or in part for flavor of lemon which the said article purported to be.

Adulteration of the flavor of vanilla was alleged for the reason that a mixture, to wit, an alcoholic solution of vanillin and coumarin, artificially colored, had been substituted in whole or in part for flavor of vanilla which the said article purported to be. Adulteration was alleged for the further reason that it was an article inferior to flavor of vanilla, to wit, a mixture composed of an alcoholic solution of vanillin and coumarin prepared in imitation of flavor of vanilla, and was artificially colored so as to simulate the appearance of flavor of vanilla and in a manner whereby its inferiority to flavor of vanilla was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Flavor of Lemon" and "Flavor of Vanilla," borne on the labels attached to the bottles containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that they represented that the articles consisted wholly of flavor of lemon or flavor of vanilla, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted wholly of flavor of lemon or flavor of vanilla, as the case might be, whereas, in truth and in fact, they did not so consist, but the so-called flavor of lemon consisted of a mixture composed in part of dilute alcohol which contained only a trace of oil of lemon, if any, and the so-called flavor of vanilla consisted of an alcoholic solution of vanillin and coumarin artificially colored. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale and sold under the distinctive names of other articles, to wit, flavor of lemon or flavor of vanilla, as the case might be.

On October 19, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*